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Date of Deposit: December 12, 2000

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Typed or Printed Name of Person Mailing Paper or Fee: Shirley Fajardo

Signature: Shirley Fajardo

PATENT
Docket No. P1230

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: NOEL LEE

SERIAL NO.: TO BE ASSIGNED

FILED: DECEMBER 12, 2000

FOR: APPARATUS AND METHOD FOR POWERING MULTIPLE
PERIPHERAL DEVICES FROM A COLOR-CODED CENTRAL
POWER SOURCE

BOX PATENT APPLICATION
ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

DECLARATION UNDER 37 C.F.R. 1.132

Dear Sir:

I, Noel Lee, declare as follows:

1. I am the inventor of the subject matter of the above-identified patent application.
2. I received a Bachelor of Science degree in Mechanical Engineering in 1971 from California Polytechnic University San Luis Obispo in San Luis Obispo, California.
3. My occupational experience includes serving as Chief Executive Officer of Monster Cable Products, Inc. (1983-present) and as a Laser-Fusion Design Engineer at Lawrence Livermore Laboratories (1971-1976).

4. I have received the following honors:
Northern California Entrepreneur of the Year Award from Ernst & Young (June 23, 2000);
Distinguished Corporate Executive Award from the Asian Business League of San Francisco (June 22, 1996); and
Small Business Owner of the Year Award from the San Francisco Small Business Network Dealerscope Consumer Electronics Marketplace Magazine's Hall of Fame (June 5, 1997).
5. I have invented the present invention which utilizes human factors considerations. The present invention, APPARATUS AND METHOD FOR POWERING MULTIPLE PERIPHERAL DEVICES FROM A COLOR-CODED CENTRAL POWER SOURCE, comprising a solid color-coded device having peripheral device identification, provides a solid image which is easier to see and recognize than the cited art patterned image (striped and ringed) devices, and therefore, better facilitates correct connection of the peripheral devices to each color-coded housing portion.
6. The Kensington invention, cited by the Examiner, is believed to be an attempt to copy the present invention by a former employee, engineer David Pitcher, who was employed by Monster Cable Products, Inc. from April 24, 1991 through January 28, 1994. Engineer David Pitcher was subsequently employed as a consultant to Monster Cable Products, Inc. for approximately one year thereafter (i.e., ~ January 1995). David Pitcher had full access to Monster Cable Products' proprietary information regarding conception and reduction to practice of the present invention (See hereto attached Exhibit A containing a proprietary drawing of the present invention signed by David Pitcher and dated July 28, 1994). Therefore, the invention is believed to have been commonly owned at the time the invention was made. David Pitcher has been subsequently employed by Kensington and was directly involved in the subsequent development of the cited Kensington SmartSockets Strip Model and Adapter Model.

7. A need for a solid color-coded central power source has been long felt in the electronic components industry. Although stymied by the peripheral device connection confusion imparted by plain plug strips, the industry had made no progress toward any solution to the problem. No other manufacturer has been known to have made a solid color-coded central power supply having peripheral device identification prior to my invention. Further, the present invention is currently experiencing record sales and has dominated the market sector in the area of plug strips both domestically and in Asia. In addition, two large retailers, Good Guys™ and Sound Advice™ have completely discontinued sales of the competitor's plug strip (Panamax™) and are exclusively carrying only the present invention central power supply (See Exhibit B containing Monster Cable Products, Inc.'s sales figures; also see herewith submitted Declaration under Rule 132 of Karen Johnson for Good Guys, Inc.).

8. I further declare that all statements made herein of my own knowledge are true and that all statements made on information are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-references application or any patent issuing thereon.

Respectfully submitted,


Noel Lee
Chief Executive Officer
Monster Cable Products, Inc.

Date: Nov. 16, 2000

NL:mld
November 16, 2000
LARIVIERE, GRUBMAN & PAYNE, LLP
Post Office Box 3140
Monterey, CA 93942
(831) 649-8800

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POWER SOURCE

BOX PATENT APPLICATION
ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

DECLARATION UNDER 37 C.F.R. 1.131(a)

Dear Sir:

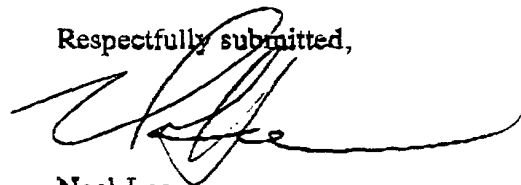
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5. I have invented the present invention which utilizes human factors considerations. The present invention, entitled APPARATUS AND METHOD FOR POWERING MULTIPLE PERIPHERAL DEVICES FROM A COLOR-CODED CENTRAL POWER SOURCE, comprising a solid color-coded device having peripheral device identification, provides a solid color image which is easier to see and recognize than the cited art patterned image (striped and ringed) devices, and therefore, better facilitates correct connection of the peripheral devices to the color-coded housing areas.
6. The Kensington invention, cited by the Examiner, is believed to be an attempt to copy the present invention by a former employee, engineer David Pitcher, who was employed by Monster Cable Products, Inc. from April 24, 1991, through January 28, 1994. Engineer David Pitcher was subsequently employed as a consultant to Monster Cable Products, Inc. for approximately one year thereafter (i.e., ~ January 1995). David Pitcher had full access to Monster Cable Products' proprietary information regarding conception and reduction to practice of the present invention (See hereto attached Exhibit A containing a proprietary drawing of the present invention signed by David Pitcher and dated July 28, 1994). Therefore, the invention is believed to have been commonly owned at the time the invention was made. David Pitcher has been subsequently employed by Kensington and was directly involved in the subsequent development of the cited Kensington SmartSockets Strip Model and Adapter Model.

7. I conceived of the present invention in May, 1993, antedating the printed publication disclosing the Kensington invention. The first commercially viable prototype was manufactured by Monster Cable Products, Inc. in September, 1997, generally in accordance with the proprietary drawing contained in hereto attached Exhibit A.
8. I further declare that all statements made herein of my own knowledge are true and that all statements made on information are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-references application or any patent issuing thereon.

Respectfully submitted,

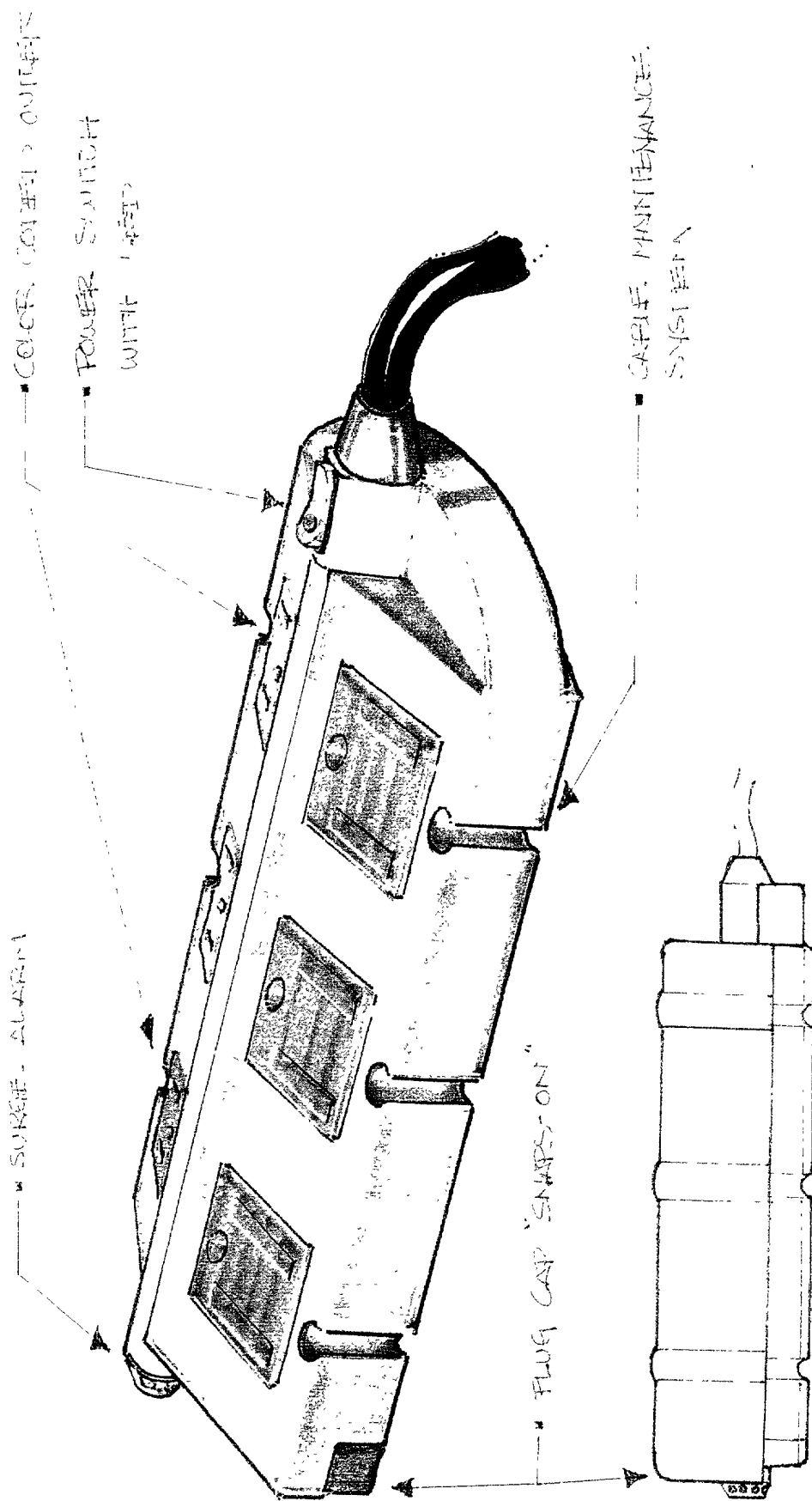


Noel Lee
Chief Executive Officer
Monster Cable Products, Inc.

Date:  Nov. 16, 2000

NL:mld
November 16, 2000
LARIVIERE, GRUBMAN & PAYNE, LLP
Post Office Box 3140
Monterey, CA 93942
(831) 649-8800

[illegible]

[illegible]

THE

MONSTER POWER PLATE

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Typed or Printed Name of Person Mailing Paper or Fee: Shirley Fajardo

Signature: Shirley Fajardo

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BOX PATENT APPLICATION
ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

DECLARATION UNDER 37 C.F.R. 1.132

Dear Sir:

I, Karen Johnson, declare as follows:

1. I am employed by the Good Guys, Inc., a major retailer of the product which constitutes the subject matter of the above-identified patent application.
2. As Manager of Accessories and Media, I have been involved in the buying of the Monster product for our electronics retail chain stores.

3. A need for a solid color-coded central power source has been long felt in the electronic components retail industry. Although retail consumers have been stymied by the peripheral device connection confusion imparted by plain plug strips, the manufacturing industry had made no progress toward the Monster solution as no other manufacturer was known to have made a solid color-coded central power supply having peripheral device identification prior to the present invention. Further, the Monster product is currently experiencing record sales through our retail chain and has dominated the market sector in the area of plug strips. In addition, we have completely discontinued sales of the competitor's plug strip (Panamax™) and are exclusively carrying only the Monster color-coded central power supply (See Exhibit A containing our retail sales figures and market share data).

4. I further declare that all statements made herein of my own knowledge are true and that all statements made on information are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-references application or any patent issuing thereon.

Respectfully submitted,

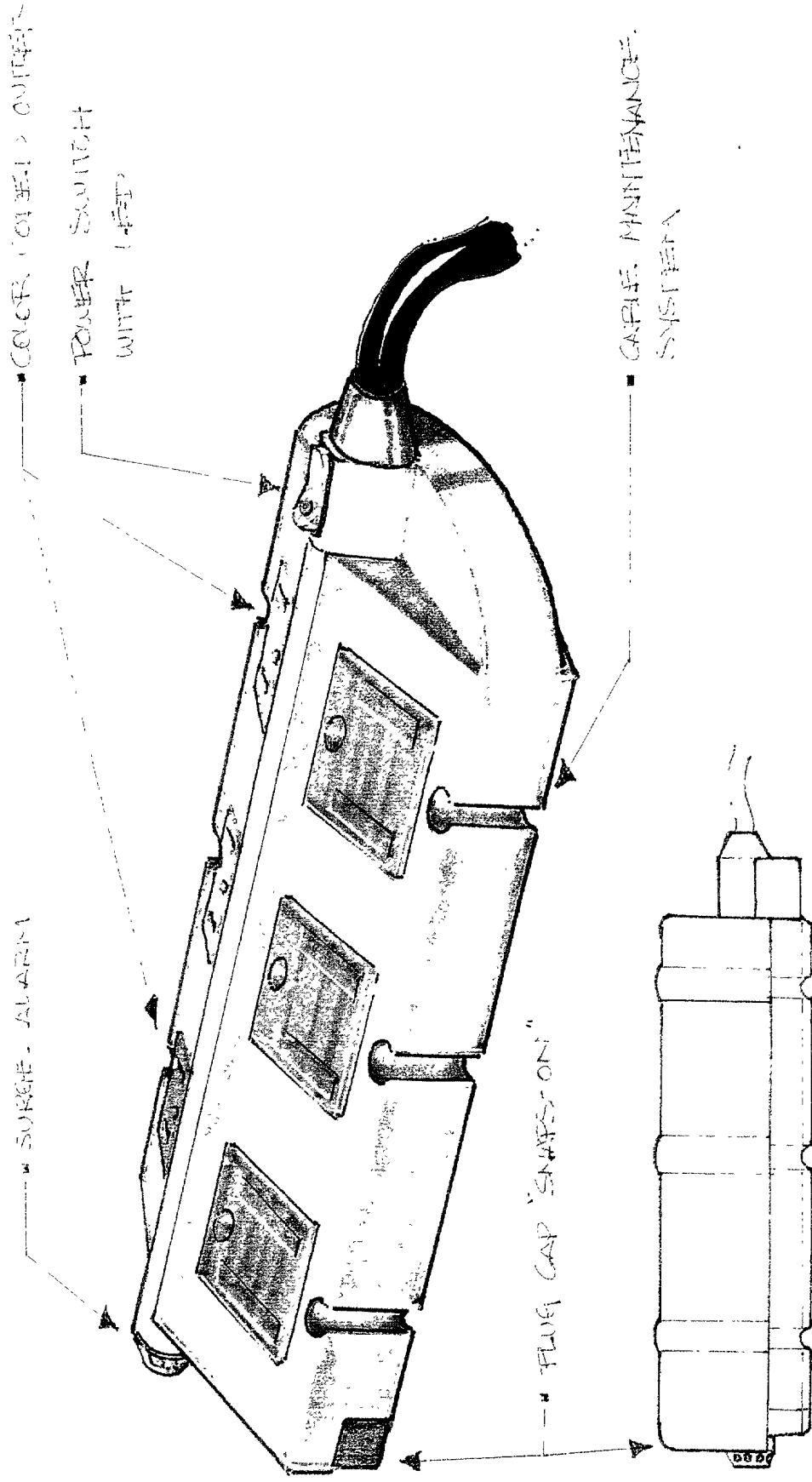
Karen Johnson
Manager of Accessories and Media
Good Guys, Inc.

Date: Karen Johnson

KJ:mlid
November , 2000
LARIVIERE, GRUBMAN & PAYNE, LLP
Post Office Box 3140
Monterey, CA 93942
(831) 649-8800

[illegible]

any one who has ever used a "monster" power plate will tell you that it is the best thing that has ever been invented for the purpose of keeping the body in shape and the mind in the right state of mind.



MONSTER POWER PLATE

Article 784

EXHIBIT A

Sales Figures by Good Guys, Inc.

Monster Cable Products, Inc.

Model Number

No. Units Sold

Total Sales

MP AV600

13,953

\$265,349.11

MP AV800 RP

5,643

\$272,988.14

MP HT800 HP

9,877

\$744,682.61

MPHTS800 HP

2,184

\$204,776.97

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POWER SOURCE

**BOX PATENT APPLICATION
ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231**

DECLARATION UNDER 37 C.F.R. 1.132

Dear Sir:

I, Dr. Albert Mehrabian, declare as follows:

1. I am an expert in the areas of Environmental Psychology and Social Psychology.
2. I received a Bachelor of Science degree and a Masters of Science degree in Mechanical Engineering in 1961 from the Massachusetts Institute of Technology (MIT) in Cambridge, Massachusetts. Thereafter, I was awarded the degree Doctor of Philosophy in Psychology in 1964 from Clark University in Worcester, Massachusetts.

3. My occupational experience includes serving as:
Psychology Intern, Worcester State Hospital (1963-1964);
Consultant, Veterans' Administration (1968-1973);
Chairman of Graduate Admissions Committee, UCLA Department of Psychology (1968-1970);
Chairman of Staffing Committee, UCLA Department of Psychology (1987-1994);
Assistant Professor of Psychology, UCLA Department of Psychology (1964-1970);
Associate Professor of Psychology, UCLA Department of Psychology (1970-1976);
Professor of Psychology, UCLA Department of Psychology (1976-1994); and
Professor Emeritus of Psychology, UCLA Department of Psychology (1994-present).
4. My editorial experience includes serving as:
Consulting Editor, Journal of Personality and Social Psychology (1973-1976);
Consulting Editor, Sociometry (1974-1977);
Member of Editorial Board, Journal of Nonverbal Behavior (1975-1986);
Member of Editorial Board, Journal of Psycholinguistic Research (1971-1995); and
Consulting Editor, The Journal of Psychology (1999-present).
5. My research expertise includes psychological measurement; statistical computing and theoretical analysis of complex data; authoring general theoretical models for description and measurement of personality, temperament, psychopathology, emotions, nonverbal communication, environments, or stimuli; man-environment relations (human factors); and improving worker productivity and morale.
6. My communications experience include authoring approximately 150 research publications (including 13 technical and mass market books); public speaking; teaching; and serving as a research supervisor.

7. I have received honors including:
Mention Among 100-Most Cited Psychologists (Amer. Psych., 1978, v. 33, 1064-1082);
One of 57 Eminent Psychologists Surveyed (Amer. Psych., May 1984, 556-559); and
"Nonverbal Communication" book selected as a citation classic by Current Contents (1984).
8. I have evaluated the present invention and the cited art with respect to human factors.
My findings are as follows:

Psychological Significance of Solidly Colored Surfaces of High Chroma (Saturation):

One feature of the present invention is its use of different **solid** colors of high chroma (i.e., high color saturation) to identify each power outlet on the power strip together with corresponding **solid** colors for cables and labels. Patent Number 5,775,935, in contrast, does not use solid colors, but uses color shading with colored lines or dots to identify outlets. Psychologically, there is a substantial advantage in using solid colors of high chroma (i.e., high purity or vividness of color), as in the present invention. The reason for this is that solid surfaces of a single high-chroma color elicit very high levels of arousal or attention. Put another way, solid high-chroma surfaces provide strong visual **stimulation** in humans.¹

The high stimulation value of each solid high-chroma surface is also helpful when different high-chroma solid colors are juxtaposed next to one another, thereby enhancing **perceptual discrimination or perceptual contrast** (i.e., easy separation or distinction) of differently-colored outlets, cables, or labels from each other. Such perceptual discrimination is less likely when a common underlying color (e.g., grey) forms the background color of all outlets (e.g., what appears to be a surface that is grey, white, or black throughout, but is color shaded with diagonal lines or colored

¹Patricia Valdez and Albert Mehrabian, Effects of Color on Emotions, Journal of Experimental Psychology: General, 123, pp. 394-409 (1994).

dots drawn over the background grey, white, or black (as in Patent 5,775,935, Fig. 3; col. 5, lines 7-10) or a large solid grey center in all outlets, with each grey-centered outlet surrounded with a narrow circumference of color (as in the Kensington device).

The Kensington device uses grey as the primary surface area of each outlet, with a narrow ring of color to surround that grey. Our laboratory study of chromatic and achromatic colors showed that the visual stimulation (arousal) value of high-chroma chromatic colors exceeds that of various shades of grey (which are achromatic colors).² Accordingly, perceptual discrimination of a multiplicity of outlets, at least eight (8) as in the present invention, is enhanced when **different** chromatic colors (not greys) are used and, furthermore, such discrimination is even greater when solidly colored surfaces are used (in contrast to the cited art that, as noted supra, appears to be color shading with lines of color or colored dots over an underlying surface that is grey, white, or black).

Considering that power strips are often located in out-of-the-way places (e.g., underneath desks or tables), they tend to be unexposed to direct lighting and are, thus, poorly or dimly lit. Under conditions of dim lighting, solid high-chroma colors are easier to see (are more arousing or perceptually stimulating) than color shaded surfaces (i.e., that appears to be patterned with color lines or dots, Patent 5,775,935, supra). Solid high-chroma colors (present invention) are also easier to see than surfaces that are predominantly grey, but are merely circled by narrow rings of color (Kensington device).

The Power of Easily Learned Associations, Convenience, Flexibility & Ease of Use:

In the best tradition of Human Factors Engineering, the present invention also enhances intuitive learning of **associations**. Same-colored and solidly-colored (a) outlets, (b) cables, (c) labels, and (d) adhesive color markers, together, form an easy, rapid, and highly intuitive set of associations which facilitate learning, remembering, and usage, as are provided by the present invention.

Overall, in contrast to the cited art, the present invention enhances **convenience**

²*Id.*

(e.g., includes all necessary components: color-coded power strip, color cables, color labels, self-adhesive color markers that can be retrofittably attached to existing cables and to other peripheral devices). The present invention also incorporates enhanced **flexibility** (i.e., customized power strips that can include at least eight (8) outlets, ability to retrofit existing equipment and cables).

Applicability of Principles of Gestalt Theory to Present Invention:

“Gestalt” in German means “organized whole.” Gestalt theory was developed by Wolfgang Kohler, Kurt Koffka, and Max Wertheimer in the early 1900s to emphasize the fact that when several elements are combined into an **organized** whole, the total effect of the combination (the whole or totality) exceeds the sum of the effects of its parts.³ Gestalt theory was applied to psychological studies of perception and is applicable to the present invention. For example, when a light source is placed on the rim of a wheel that is rolling along a flat surface, the perception is one of a succession of lighted inverted semi-circles. Also, when a light source is placed in the center of a wheel that is rolling along a flat surface, the perception is of a single dot of light that is moving horizontally. However, when a light source is placed on the rim and another light source is placed at the center of the wheel and the wheel rolls on a flat surface, one does not see those two separate elements, but instead sees a wheel that has a lit rim and lit center.

The point of Gestalt theory is that humans mentally process the parts into an organized whole that is substantially different from the parts and exceeds the effects of the parts. In the present invention, the elements (features) similarly form a whole that is greater than the sum of the features treated separately. The features are:

- a. color coding of the power strip using **solid** colors for each power outlet;
- b. power cords in solid colors to correspond to the colors in the power strip or, alternatively, colored stickers that can be attached to existing power cords supplied by manufacturers;

³Lyle E. Bourne and Bruce R. Ekstrand, *Psychology: Its Principles and Meanings* 3rd Ed., pp. 24-25, Holt, Rinehart and Winston (1979).

- c. colored labels for retrofitting an existing power strip or, alternatively, colored stickers with labels that can be attached to existing cords and/or equipment; and
- d. at least eight (8) power outlets in conjunction with corresponding different solid colors for each outlet, this being a feature distinct from a fixed number of 4 power outlets of Patent 5,775,935.

Although some aspects of the elements can be found in the cited art, no reference nor combination of references teach, motivate, or suggest the present invention's common intuitive scheme comprising different-colored outlets, matching colored cords, matching colored labels with indicia, and matching colored adhesive markers that together form a powerful human factors matrix of psychological associations.

Importantly, from the standpoint of Gestalt Theory, the present invention incorporates **a system of mutually reinforcing associations that is founded on the use of color**. Use of high-chroma solid colors (rather than the cited art color rings around grey outlets and the cited art that appears to be color shading against a grey, white, or black background) in this scheme facilitates rapid and intuitive association of each peripheral device, its cable, and its outlet on the basis of a single, distinctive, and high-chroma color that stands apart from colors used for the remaining devices and their connectors. The preferred scheme maintains all of the foregoing elements within it. Thus, none of the cited references teach, motivate, or suggest the present invention combination of elements nor its **development and use color as an overarching organizing principle**. On the basis of these distinctions, the present invention provides a unique human factors feature for facilitating its electronic utility.

Conclusion:

Thus, the present invention, entitled APPARATUS AND METHOD FOR POWERING MULTIPLE PERIPHERAL DEVICES FROM A COLOR-CODED CENTRAL POWER SOURCE, comprising a solid color-coded device having peripheral device identification, constitutes a solid color image which requires far less mental processing than required by the cited art that appears to be patterned color image (striped and ringed) devices, and therefore, provides superior visual perception, mental recognition, and mental retention of associations between each peripheral device and its corresponding housing portion.

9. I further declare that all statements made herein of my own knowledge are true and that all statements made on information are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-references application or any patent issuing thereon.

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Albert Mehrabian, Ph.D.

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